

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Government Code Sections 7570-7588

Statutes 1984, Chapter 1747; Statutes 1985,
Chapter 1274 (Assem. Bill No. 3632)

California Code of Regulations,¹ Title 2,
Sections 60000-60610 (Emergency
Regulations filed December 31, 1985,
designated effective January 1, 1986
(Register 86, No. 1) and refiled June 30, 1986,
designated effective July 12, 1986
(Register 86, No. 28))

Filed on July 30, 1987;

By County of Santa Clara, Claimant

No. 4282

Handicapped and Disabled Students

SET ASIDE OF PARAMETERS AND
GUIDELINES

(Proposed for Adoption on January 26, 2006)

PROPOSED ORDER TO SET ASIDE PARAMETERS AND GUIDELINES

In 1990, the Commission adopted a Statement of Decision approving the *Handicapped and Disabled Students* test claim (CSM 4282) as a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution. The Handicapped and Disabled Students program was enacted in 1984 and 1985 as the state's response to federal legislation (Individuals with Disabilities Education Act, or IDEA) that guaranteed to disabled pupils, including those with mental health needs, the right to receive a free and appropriate public education, including psychological and other mental health services, designed to meet the pupil's unique educational needs. The legislation shifted to counties the responsibility and funding of mental health services required by a pupil's individualized education plan (IEP). The attached parameters and guidelines were adopted in 1991, and amended in 1996, and have a reimbursement period beginning July 1, 1986.

Statutes 2004, chapter 493 (Sen. Bill No. 1895) directed the Commission on State Mandates (Commission) to reconsider its prior final decision and parameters and guidelines on the

¹ When the test claim was originally filed, the California Code of Regulations was known as the California Administrative Code.

Handicapped and Disabled Students program (CSM 4282). Section 7 of the bill states the following:

Notwithstanding any other law, the Commission on State Mandates shall, on or before December 31, 2005, reconsider its decision relating to included services and administrative and travel costs associated with services provided pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, and the parameters and guidelines for calculating the state reimbursements for these costs.

On May 26, 2005, the Commission adopted a Statement of Decision on reconsideration of *Handicapped and Disabled Students* (04-RL-4282-10). The Commission found that the 1990 Statement of Decision in *Handicapped and Disabled Students* correctly concluded that the test claim legislation imposes a reimbursable state-mandated program on counties pursuant to article XIII B, section 6 of the California Constitution. The Commission determined, however, that the 1990 Statement of Decision does not fully identify all of the activities mandated by the statutes and regulations pled in the test claim or the offsetting revenue applicable to the claim. Thus, the Commission, on reconsideration, identified the activities expressly required by the test claim legislation and the offsetting revenue that must be identified and deducted from the costs claimed.

On January 26, 2006, the Commission adopted parameters and guidelines for the reconsideration of *Handicapped and Disabled Students* (04-RL-4282-10), with a reimbursement period beginning July 1, 2004. Thus, beginning July 1, 2004, the parameters and guidelines for the reconsideration of *Handicapped and Disabled Students* (04-RL-4282-10) supersede the parameters and guidelines in *Handicapped and Disabled Students* (CSM 4282).

Therefore, the Commission sets aside the parameters and guidelines for *Handicapped and Disabled Students* (CSM 4282), effective July 1, 2004.

PAULA HIGASHI, Executive Director

Date

Attachment